

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

August 28, 1952
10:00 A.M.

Council Chamber, City Hall

The meeting was called to order with Mayor Drake presiding.

Roll Call:

Present: Councilmen Johnson, Long, MacCorkle, White, Mayor Drake
Absent: None

Present also: W. E. Seaholm, City Manager; W. T. Williams, Jr., City Attorney; C. G. Levander, Director of Public Works.

Councilman Johnson moved that the Minutes of the previous meeting be approved. The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen Johnson, Long, MacCorkle, White, Mayor Drake
Noes: None

MR. MARTIN HARRIS representing the Austin Transit, Inc., asked the City Council to set a hearing on its request for increase in rates. The Mayor asked the City Manager to contact the Auditor and Director of Finance to see how long it would take to review the books, etc., and then the Council would be in position to set a date of hearing.

MR. SAM ALLRED inquired if there was something the Council could do to help the water pressure in Theodore Lowe Heights, especially on three streets, Del Curto., Clawson Road and Lightsey Road. The City Manager stated this program was scheduled for the latter part of this year or the early part of next year. There was some difficulty found in getting some easements, and Mr. Allred was asked to help out on this to speed up the other work.

MR. ED CLARK, 1020 Brown Building, Attorney for the Southwestern Bell Telephone Company, stated the Company was preparing to file a motion for rehearing, in keeping with the provisions of the Charter; and that there being a Labor Day Holiday next Monday, he would like to file this Motion with the City Clerk, and send copies to the City Council, the City Manager and the City Attorney by messenger, so that the Council would have ample time to study it and be able to give an answer by next Thursday. It was indicated by the Council that this would be all right.

MR. A. W. THIELEPAPE came back with additional statements regarding the paving in front of his home on Kinney Avenue, stating he had an employee from the City come out and explain this paving to him--one who actually worked on this particular job, and this employee stated the paving went across Margaret Street on Kinney Avenue, and he wondered if the field notes and grades had been checked. He stated he paid \$21.00 for 63 feet of paving. The Assistant Director of Public Works stated the record showed where it had been paved and how much he had paid; there was no record of any paving beyond Margaret Street and no record of his paying for any such paving. After discussion, Councilman Johnson moved that Mr. Thielepape be paid for the three feet the City tore up, and Mr. Thielepape pay for the rest, as the other people are doing. The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen Johnson, Long, MacCorkle, White, Mayor Drake
Noes: None

Councilman Johnson offered the following resolution as amended and moved its adoption:

(RESOLUTION)

WHEREAS, there existed immediately after World War II, an acute housing shortage in the City of Austin and in Travis County, Texas, making it impossible for veterans returning from military service to secure adequate housing for themselves and their families; and

WHEREAS, in order to partially meet such emergency there was established by the City of Austin, the Veteran's Project, a temporary housing project composed of forty-five (45) temporary frame buildings situated on City property adjacent to Barton Springs Road and South First Street in the City of Austin; and

WHEREAS, there no longer exists in Travis County, a housing emergency requiring the use of this type of structure, and such housing units, due to the temporary nature of their construction, have deteriorated to such an extent that they do not provided adequate housing except under emergency conditions; and

WHEREAS, it is the opinion of the City Council that concentration of or use of such buildings as housing units in thickly populated areas is undesirable, and would lead to the development of slum areas; and

WHEREAS, the City Council has called for bids for the purchase of said buildings and as a condition of such bids has required that the successful bidder shall remove such buildings from Travis County and shall never move such buildings back into Travis County or permit any other person to return them to Travis County; and

WHEREAS, on the 22nd day of August, 1952, bids were received and opened as follows:

Billie Sol Estes	\$40,151.88
Clyde Jones	25,125.50
V. T. Newman	25,028.00
Charles Carlow	20,526.00
Arnold Jeske	16,800.00
M. E. Bell	11,153.00
Van Smith	10,125.00
H. C. Bell - one Unit 60x20	300.00

and

WHEREAS, the bid of Billie Sol Estes in the amount of \$40,151.88 was the highest and best bid received, and the Director of Public Works has recommended that such bid be accepted; now, therefore

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the bid of Billie Sol Estes in the amount of \$40,151.88 for the purchase of forty-five (45) buildings composing the Veteran's Housing Project, situated on the City property adjacent to Barton Springs Road and South 1st Street, in the City of Austin, be and the same is hereby accepted and the City Manager is authorized and directed to execute a contract with Billie Sol Estes for the sale of such buildings by the terms of which such purchaser shall be required to remove such buildings from Travis County, Texas, within ninety (90) days of the date of such contract and shall give adequate assurance that such buildings shall never be moved back into Travis County.

The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen Johnson, Long, MacCorkle, White, Mayor Drake

Noes: None

Pursuant to published notice there of, public hearings were held on the following applications for change of zoning:

D. A SHIPWASH

108 West 43rd

From "A" Residence

To "C" Commercial

RECOMMENDED by the Zoning
Commission - 7-30-52.

MR. SHIPWASH appeared in his own behalf. No opposition appeared.

The Mayor asked that all who favored having an ordinance drawn upholding the recommendation of the Zoning Commission and granting the change, to vote "aye"; those opposed vote "no". Roll call showed the following vote:

Ayes: Councilmen Johnson, Long, MacCorkle, White, Mayor Drake
Noes: None

The Mayor announced that the change had been granted, and that the City Attorney would draw up the necessary ordinance.

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S. N. EKDAHL

405-01 W. 15th

From "A" Residence
To "C" Commercial
RECOMMENDED by the Zoning
Commission 7-30-52

No opposition appeared. The Mayor asked that all who favored having an ordinance drawn upholding the recommendation of the Zoning Commission and granting the change, to vote "aye"; those opposed vote "no". Roll call showed the following vote:

Ayes: Councilmen Johnson, Long, MacCorkle, White, Mayor Drake
Noes: None

The Mayor announced that the change had been granted, and that the City Attorney would draw up the necessary ordinance.

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J. A. BIRDWELL

7800 Block Burnet
Road

From "A" Residence
To "C" Commercial
RECOMMENDED by the Zoning
Commission to include 5th Height & Area
District. 7-30-52

Discussion was held on the Height and Area. Mr. Birdwell had asked for "C" Commercial, 1st Height and Area. The Mayor asked that that who favored upholding the recommendation of the Zoning Commission and granting the Change to "C" Commercial, 5th Height and Area, to vote "aye"; those opposed to vote "no". Roll call showed the following vote:

Ayes: None
Noes: Councilmen Johnson, Long, MacCorkle, White, Mayor Drake

The Mayor then asked that those who favored granting the application as applied for and instructing the City Attorney to draw up an ordinance making the change to "C" 1st Height and Area, to vote "Aye"; those opposed to vote "no" Roll call showed the following vote:

Ayes: Councilmen Johnson, Long, MacCorkle, White, Mayor Drake
 Noes: None

The Mayor announced that the change had been granted, and that the City Attorney would draw the necessary ordinance.

H. H. ADKINS, By
 F. E. Brisbon

710 St. Johns Street

From "A" Residence
 To "C" Commercial
 RECOMMENDED by the Zoning
 Commission 7-30-52

No opposition appeared. The Mayor asked those who favored upholding the recommendation of the Zoning Commission and granting the change, and instructing the City Attorney to draw up the necessary ordinance to vote "aye"; those opposed to vote "no". Roll call showed the following vote:

Ayes: Councilmen Johnson, Long, MacCorkle, White, Mayor Drake
 Noes: None

The Mayor announced that the change had been granted and that the City Attorney would draw the necessary ordinance.

W.P. GOODWIN,
 GEORGE JOHNS, FRANK
 EIDELBACH

1110-1128 Airport Blvd.
 1110-1114 Kirk Ave.

From "A" Residence
 To "C" Commercial
 RECOMMENDED that only
 1110-1114 Kirk Avenue
 (3 lots in triangle on
 Kirk Avenue & Airport
 Blvd.) be changed.
 Zoning Commission's recom-
 mendation on 7-30-52

The Mayor asked that all those in favor of changing the three lots as recommended by the Zoning Commission to vote "aye"; those opposed to vote "no". Roll Call showed the following vote:

Ayes: Councilmen Johnson, Long, MacCorkle, White, Mayor Drake
 Noes: None

The Mayor announced that the change had been granted as recommended and that the City Attorney would draw the necessary ordinance.

The Mayor asked that the Goodwin Zoning File be referred back to the Zoning Commission for them to complete their study and to check the non-conforming use.

Councilman MacCorkle offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, Southern Union Gas Company has presented to the City Council tentative maps or plans showing the proposed construction of its gas mains in the streets in the City of Austin hereafter named, and said maps or plans have been considered by the City Council; therefore

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT Southern Union Gas Company be and the same is hereby permitted to lay and construct its gas mains in and upon the following streets:

(1) A gas main in SOUTH 2ND STREET, From a point 35 feet north of West Milton Street, southerly 108 feet, the centerline of which gas main shall be 7.5 feet west of and parallel to the east property line of said SOUTH 2ND STREET.

Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

(2) A gas main in DURWOOD STREET, from a point 310 feet south of West Oltorf Street southerly 267 feet, the centerline of which gas main shall be 7.5 feet west of and parallel to the east property line of said DURWOOD STREET.

Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

(3) A gas main in EAST 46TH STREET, from a point 64 feet east of Eilers Avenue easterly 96 feet, the centerline of which gas main shall be 6.5 feet south of and parallel to the north property line of said EAST 46TH STREET.

Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

(4) A gas main in BROCKMAN STREET, from Anderson Lane northerly 120 feet, the centerline of which gas main shall be 6.5 feet west of and parallel to the east property line of said BROCKMAN STREET.

Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

(5) A gas main in COLLIER STREET, from a point 83 feet east of Garner Avenue easterly 153 feet, the centerline of which gas main shall be 7.5 feet south of and parallel to the north property line of said COLLIER STREET.

Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

(6) A gas main in WASHINGTON AVENUE, from a point 202 feet east of Comal Street easterly 185 feet, the centerline of which gas main shall be 7.5 feet south of and parallel to the north property line of said WASHINGTON AVENUE.

Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

(7) A gas main in WEST OLTORF STREET, from a point 60 feet east of South 2nd Street easterly 43 feet, the centerline of which gas main shall be 13.5 feet south of and parallel to the north property line of said WEST OLTORF STREET.

(8) A gas main in WEST 36TH STREET, from a point 107 feet east of Oakmont Boulevard westerly 10 feet, the centerline of which gas main shall be 13.5 feet south of and parallel to the north property line of said WEST 36TH STREET.

Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

(9) A gas main in JARRATT AVENUE, from a point 162 feet south of Ethridge Avenue northerly 78 feet, the centerline of which gas main shall be 7.5 feet west of and parallel to the east property line of said JARRATT AVENUE.

Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

The Southern Union Gas Company is hereby put upon notice that the City of Austin does not guarantee that the space assigned above is clear from other underground utilities, but is based upon the best records we have at hand, and that the minimum depth stated does not have any reference to the fact that greater depths may not be required at special points. When the Southern Union Gas Company requires definite information upon the ground as to elevations or working points from which to base the location of their assignments, they shall apply to the Department of Public Works not less than three (3) days before such information is required. The Southern Union Gas Company is further put upon notice that they will be required to bear the expense of repairs or replacement of any underground utility damaged during the construction of lines named in this resolution.

AND THAT whenever pavement is cut in the vicinity of a fire plug, water must be used at intervals during the course of backfilling of the ditches.

THAT the work and laying of said gas mains, including the excavation in the streets, and the restoration and maintenance of said streets after said mains have been laid shall be under the supervision and direction of the City Manager, and under all the pertinent terms and conditions of the certain franchises granted to said company by the City of Austin.

The motion, seconded by Councilman Long, carried by the following vote:
Ayes: Councilmen Johnson, Long, MacCorkle, White, Mayor Drake
Noes: None

The City Manager submitted the following regarding Contract "V" Colorado River Interceptor Sewer in City Power Plant Grounds:

Following is a tabulation of the bids received at 10:00 A.M. Tuesday, August 26, 1952 for the construction of the above project:

Karl Wagner	\$35,592.50
Joe Bland Const.Co.	58,471.00
The City's estimate was	\$30,000.00

I am a little dubious about the adequacy of the City's estimate due to the hazards that will be involved in this work. Some of the sewers exceed a depth of thirty feet in a material that I know is gravel and sand out of the river. I do not feel that the City is equipped with the necessary equipment or manpower to undertake a project of this kind.

Therefore, I recommend this job be awarded to Karl Wagner so this work may be expedited as soon as possible.

Approved and Recommended:
(Sgd) W. E. Seaholm - City Manager

Councilman White offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, on August 26, 1952, the City of Austin received bids for the construction of the Colorado River Interceptor Sewer in the City Power Plant Grounds in accordance with the specifications for Contract "V"; and

WHEREAS, Karl Wagner, in the sum of \$35,592.50 appears to be the lowest and best bid, and the City Manager has recommended that such bid be accepted; now therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the said bid of Karl Wagner, in the sum of \$35,592.50, be and the same is hereby accepted, and W. E. Seaholm, City Manager, is hereby authorized and directed to enter into contract with Karl Wagner for the construction of such Sewer.

The motion, seconded by Councilman Johnson, carried by the following vote:
Ayes: Councilmen Johnson, Long, MacCorkle, White, Mayor Drake
Noes: None

Councilman Long offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, a certain public utilities easement was reserved and dedicated to the public on a map or plat of Balcones Park No. 1, a subdivision of a portion of the A. Siksbee Survey No. 1 in the City of Austin, Travis County, Texas; which map or plat is recorded in Book 5, page 160 of the Plat Records of Travis County, Texas; and

WHEREAS, such easement as hereinafter described is not now needed and hereafter will not be required by the City of Austin; Now, Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That W. E. Seaholm, City Manager, be and he is hereby authorized and directed to execute a release of such easement described as follows:

The west five (5) feet of Lot 15, Block B of the
aforementioned subdivision.

The motion, seconded by Councilman White, carried by the following vote:
Ayes: Councilmen Johnson, Long, MacCorkle, White, Mayor Drake
Noes: None

Councilman White offered the following resolution and moved its adoption:

(RESOLUTION)

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That W. E. Seaholm, City Manager be and he is hereby authorized and directed to execute a Deed on behalf of the City of Austin, conveying to A. G. Ferris, 0.355 of one acre of land same being out of and a part of that certain 7.88 acre tract of land out of Lot 11 of Division or Block "A" of the Partition of the Estate of James E. Bouldin, Deceased, out of the Isaac Decker League in the City of Austin, Travis County, Texas, which was conveyed to the City of Austin by Deed dated June 28, 1941, of record in Volume 681, at page 199-203, of the Deed Records of Travis County, Texas.

The motion, seconded by Councilman Johnson, carried by the following vote:
Ayes: Councilmen Johnson, Long, MacCorkle, White, Mayor Drake
Noes: None

Councilman MacCorkle offered the following resolution and moved its adoption:

(RESOLUTION)

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the following described tract of land owned by the City of Austin, a municipal corporation situated in Travis County, Texas, be and the same is hereby set aside and dedicated for use as a public alley in the City of Austin, said tract being described as follows:

4,436 square feet of land, same being out of and a part of that certain 7.88 acre tract of land, out of Lot 11 of Division or Block "A" of the Partition of the Estate of James E. Bouldin, Deceased, out of the Isaac Decker League in the City of Austin, Travis County, Texas, which was conveyed to the City of Austin by Deed dated June 28, 1941 of Record in Volume 681, Page 199-203 Deed Records of Travis County, Texas, and is described as Tract No. Two in said

Deed, said 4,436 square feet of land being more particularly described by metes and bounds as follows:

BEGINNING at a steel pin in the east line of Lee Barton Drive and from which steel pin another steel pin at the point of intersection of the east line of Lee Barton Drive with the north line of Barton Springs Road, bears S 12° 18' W 163.00 feet;

THENCE N 12° 18' E. 20.24 feet to a steel pin;

THENCE S 77° 43' E 222.01 feet to a point on the east line of said 7.88 acre tract, same being the west line of the International & Great Northern Railroad, Right-of-Way;

THENCE with the east line of said 7.88 acre tract and the west line of said Railroad Right-of-Way, S 28° 13' W 21.05 feet to a steel pin;

THENCE N 77° 43' W. at 121.30 feet pass a steel pin, in all a distance of 216.30 feet to the point of beginning.

BE IT FURTHER RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the City Clerk be, and she is hereby authorized and directed to file this Resolution in the office of the County Clerk of Travis County, Texas, giving notice to the public of the dedication for alley purposes of the tract of land hereinabove described.

The motion, seconded by Councilman Johnson, carried by the following vote:
Ayes: Councilmen Johnson, Long, MacCorkle, White, Mayor Drake
Noes: None

Councilman MacCorkle offered the following resolution and moved its adoption:

(RESOLUTION)

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the final plat of the subdivision known as "Winnie Brooks Addition", approved by the City Plan Commission of the City of Austin on August 14, 1952, be and the same is hereby accepted and authorized to be filed of record in the office of the County Clerk of Travis County, Texas, in accordance with the provisions of the laws of the State of Texas, and the ordinances of the City of Austin, and that this action of the City Council be indicated by appropriate notation, signed by the Mayor, on the original plat of said subdivision prior to its recording in the Plat Records of Travis County, Texas.

The motion, seconded by Councilman White, carried by the following vote:
Ayes: Councilmen Johnson, Long, MacCorkle, White, Mayor Drake
Noes: None

Councilman MacCorkle offered the following resolution and moved its adoption:

(RESOLUTION)

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the final plat of the subdivision known as Tarrytown 7, approved by the City Plan Commission of the City of Austin on July 24, 1952, be and the same is hereby accepted and authorized to be filed of record in the office of the County Clerk of Travis County, Texas in accordance with the provisions of the laws of the State of Texas, and the ordinances of the City of Austin, and that this action of the City Council be indicated by appropriate notation, signed by the Mayor on the original plat of said subdivision prior to its recording in the Plat Records of Travis County, Texas.

The motion, seconded by Councilman White, carried by the following vote:
Ayes: Councilmen Johnson, Long, MacCorkle, White, Mayor Drake
Noes: None

MR. DALE HILL, spokesman for SGT. EDWARD PUGH, MRS. JOHN GERHARDT, MRS. JOHN E. SNYDER, and MRS. HOBERT SMITH, asked that the sidewalk assessment be taken out of the paving assessment program on Koenig Lane, as the sidewalks would have to be on the level of the curbs, and their lawns slope, and there would be a stair-step terrain in their yards; also the children going to Brentwood would cross Koenig Lane, and there were already sidewalks where they would cross to go to school. He stated there were six property owners living there and five out of the six definitely did not want the sidewalks included. Later on in the meeting, MR. NOBLE LATSON gave a report on the sidewalk question on Koenig Lane, reporting there were twenty-four pieces of property excluding city and school property. There were six in favor; but out of the six three belonged to First Austin Investment Company; five definitely were not in favor, and two could not be located. Down to a footage basis, there would be 250' out of 1500' that would be included voluntarily in a sidewalk plan. Six definitely stated they did not want it. Mr Latson stated the people did not want the sidewalks due to the financial end of it and also due to the slope of their lawns; however some had said they would go ahead if it meant loosing the paving. Councilman Long did not think \$125.00 extra over a period of seven years would mean much. Councilman White thought that no one should be forced to pay for sidewalks, as a lot of those people were having a hard time making payments on their homes. Councilman MacCorkle thought the two programs should be separated. The Mayor thought as the Council felt it necessary for the safety of the children going to school, it could go ahead and pass a sidewalk program, separate from the paving program. No decision was made, and the matter was laid over for another week.

No action was taken on the zoning application of ANDREW BAILEY, for change of zone at 1805 E. 14th, from "A" Residence to "C" Commercial, as MR. BAILEY asked that this be postponed until the following week.

MR. FRANK A. MUZIA, 1127½ Gunter, made inquiry about sewers in that area and how it would apply to his property where he had his own well. He was referred to the City Manager.

At this point the Mayor had to leave and MAYOR PRO-TEM MacCORKLE presided.

Councilman Long inquired about the status of the purchase of additional land for Zaragosa Park. The City Manager reported that a trade with one of the property owners was under way, but it might be necessary to condemn his property. The City Manager stated any delay in getting this property would not affect the school's building, as the plans would fit either location, with the exception at one location, the school would have a larger gymnasium.

Councilman White inquired about the appraisal of the property along the Highway. The City Manager reported that MR. BEN KING was about through, and there would be a meeting with the whole committee.

Mayor Pro-tem MacCorkle asked about the plans of the Police and Courts Building. The City Manager stated that they were under way and were progressing nicely. The Mayor Pro-tem asked about the Hospital Plans. The Architects had reported to the City Manager that they would be ready in a few days.

Mayor Pro-tem MacCorkle asked about the location of the Health Department. It was stated no location had been decided upon as yet.

Councilman Long asked if the Olive Street Play Ground had been improved. The City Manager stated they had tried to get that temporary building, but the Schools had been reluctant to give that up at this time; but the grounds would be graded; and it would not take long when they got to it.

The Council received notice that the following application for change of zoning had been referred to the Zoning Commission:

W. E. POWELL, W. J.
PERLITZ, LEO A. MAR-
TIN & NEILL BOLDRICK
MRS. LUCILLE B. ACOCK

1161 through 1197 Air-
port Boulevard

From "A" Residence
To "E" Industrial

There being no further business, the Council adjourned subject to the call of the Mayor.

APPROVED: W. D. Driscoll

Mayor

ATTEST:

Elvin Hooley
City Clerk